IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.16195 of 2004

Between:

A.Mallikarjuna, S/o late A.Rama Swamy,
Plot No.24, Upstairs, S.B.I.Colony, Kurnool, Kurnool District

..... PETITIONER

AND

1 The Station House Officer, III-Town Police Station, Kurnool
2 The Deputy Superintendent of Police, Kurnool, Kurnool District
3 S.Abdul Gafoor, Sitharama Nagar, Kurnool,
Kurnool District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Habeas Corpus declaring the action of the respondent police authority in taking away the wife of the petitioner in his absence and harassing the petitioner for unknown reasons by keeping his wife in the III Town Police Station, Kurnool with the insistence of the 3rd respondent herein as illegal, unjust and arbitrary and as such liable to be set aside with a consequential direction to release the wife of the petitioner forthwith.

Counsel for the Petitioner : Mr.P.V.V.SATYANARAYANA

Counsel for Respondents 1 & 2 : THE ADVOCATE GENERAL.

The Court at the admission stage made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

The writ petition is filed seeking a Writ of Habeas Corpus for production of the petitioner's wife, who is the daughter of third respondent.

On receipt of notice, S.Nabi Rasool, Assistant Sub-Inspector of Police, IV Town Police Station, Kurnool, filed affidavit in reply. The affidavit is accompanied by a copy of the letter given by S.Roshnara, daughter of third respondent to the Sub-Inspector of Police. The affidavit in reply states that the petitioner and the alleged detenu married on 5-9-2004 at Sri Chennakesava Swamy Temple, Markapur, and thereafter they returned to Kurnool on 7-9-2004 and they approached the police on the same day. The alleged detenu gave a statement in writing that her date of birth is 18-6-1986, and that she married the petitioner. She also informed the address of her parents and requested the police to summon them to the police station so that she can discuss with them about the marriage and take a decision whether to lead married life with the petitioner or not. The parents of the alleged detenu have visited the police station on 7-9-2004 at 6.00 p.m. and after discussing with them she gave a statement expressing her intention to stay with them. The parents of the alleged detenu also gave a statement to the police that they are taking her with them, and only after discussion with her parents she was taken away by them from the police station.

In view of the above statement of the petitioner's wife, and as she is a major, it is not open to the petitioner to seek a writ of habeas corpus. The petitioner may work out the remedies in accordance with law.

The writ petition is dismissed.

_____ DEVINDER GUPTA, C.J.

22nd September 2004.

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C.V.RAMULU, J

ARS

To

1 The Station House Officer, III-Town Police Station, Kurnool.
2 The Deputy Superintendent of Police, Kurnool, Kurnool District.

3 Two CCs to the Advocate General, High Court Buildings, Hyderabad (OUT).

4 Two CD copies.